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EXPRESS MAIL NO. EL 805345929 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Beat MOLLET et al.

Application No.: 09/823,772

Group Art Unit: 1651

Filing Date: March 30, 2001

Examiner:

For: NOVEL STRAINS OF THE BACILLUS  
SUBTILIS GROUP FOR FOOD  
FERMENTATION

Attorney Docket No.: 88265-4011

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION**

**ATTENTION: BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed May 4, 2001, a copy of which is enclosed, submitted herewith and attached to a copy of the application as filed is the Declaration for the subject application which has been executed by the applicants, **Beat MOLLET, Raymond David PRIDMORE and Marie Camille ZWAHLEN**. Also enclosed is the Power of Attorney which has been executed by an authorized representative of the assignee, Nestec S.A..

A fee of \$130.00 is believed to be due for the submission of this Response.  
Please charge the required fees to Winston & Strawn Deposit Account No.501-814.

Respectfully submitted,

5/24/01  
Date

Allan A. Fanucci  
Allan A. Fanucci, Reg. No. 30,256

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/823,772	03/30/2001	Beat Mollet	88265-4011

CONFIRMATION NO. 6428

## FORMALITIES LETTER



\*OC000000006043986\*

Allan A. Fanucci  
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200 Park Avenue  
New York, NY 10166

Date Mailed: 05/04/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/29/2001 HNDHAM1 00000071 501814 09823772 FILED UNDER 37 CFR 1.53(b)  
01 FC:105 130.00 CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
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*A copy of this notice MUST be returned with the reply.*

*Man*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE